

papers submitted by Mr. McIntyre did not contain the proper information, as a second reason why the motion should be denied, instating, however, that for Justice Bischoff to act at all would be "to interfere with the duties of another judge, who presumably would follow the law."

Mr. Moss added:

"While I am not prepared to say that the Supreme Court at special term is not without right to hear this application, I hold that it should properly come before the court so solemnly set apart for the Becker trial. Justice Goff is charged specially, upon his conscience as well as upon his oath of office, to protect the rights of Becker, and to resist any suggestion that he cannot be trusted to properly decide the merits of this application."

Justice Bischoff said that the fact of a special panel of 20 Jurymen being drawn for to-morrow, which also was mentioned by Mr. Moss, had nothing to do with the merits of the application made by Mr. McIntyre.

HOT SPRINGS WITNESSES TO IMPEACH SAM SCHEPPS.

Mr. McIntyre told Justice Bischoff that he wanted a commission to take the testimony of three reputable men in Arkansas.

"In conversation with Sam Schepps with these three men Schepps said that Becker had nothing to do with the murder of Herman Rosenthal," said Mr. McIntyre. "These men are the Acting Mayor of Hot Springs, Ark., the town-master of that place and the officer of the law having Schepps in his custody. We shall show that Becker has been charged with the commission of a crime with which he has nothing to do."

"Jack Rose, George Vailon and Bridget Webber are self-confessed assassins who, when they felt the latter drawing about their necks, deemed it prudent to involve others. To corroborate them Schepps, who has been designated in the press as the 'murder paymaster,' was needed."

Mr. McIntyre read from a letter written by Schepps in Hot Springs to Jack Rose, but not mailed, in which Schepps asked Rose: "Why do you want me to corroborate a few lies?"

Mr. McIntyre referred to Rose, Webber and Vailon as "beasts who have been let to untold upon Becker."

"They can be put to death by the testimony of Schepps," he added. "Somebody is deluging this community with what has been taking place in the Grand Jury room, and the public mind is so poisoned by diabolical lies that it becomes our duty to fortify ourselves and ask for this short time in which to get this testimony from Arkansas. We will expose the lies and the man who forsook the stay run until the first Monday in October."

The information which Mr. McIntyre made the basis of his application was a telegram from an agent in Arkansas, that Postmaster Douglas Hotchkiss, Acting Mayor of Hot Springs, Ark., and Constable J. L. Sullivan were willing to testify as to conversations with Schepps before he was brought to New York by Assistant District Attorney Rubin and Detective Thomas.

MAYOR MUST TELL ALL AT JOHN DOE HEARING, IS WHITMAN'S THREAT.

When Mayor Gaynor is summoned as a witness before the John Doe inquiry to start soon under the guidance of Justice Goff he will not be allowed to practically the proceedings, as he did from the witness stand in the Aldermanic inquiry yesterday. This much was intimated to-day by District Attorney Whitman.

"I am convinced," said Mr. Whitman, "that Mayor Gaynor did not tell half of what he knows about the police situation to the Aldermanic inquiry yesterday. But he will tell all he knows before the John Doe inquiry."

"The Aldermanic inquiry is not a judicial proceeding. The John Doe inquiry will be a judicial proceeding and will not countenance evasions or misleading answers to questions."

The majority members of the Aldermanic Committee were deeply disappointed at the meagre ammunition they gathered from Mayor Gaynor yesterday. They expected to keep him on the stand two or three days and get enough material from his answers to guide them in the prosecution of the investigation. With that expectation they had set next Monday for the appearance of Police Commissioner Waldo as a witness. But the action of the Mayor in winding up his testimony in less than three hours left the committee with a long week on its hands and a conference was held to-day between Chairman Curran and Counselor Buckner and the other lawyers to the committee to decide upon a change of plan.

NEW CALL SENT OUT FOR COMMISSIONER WALDO.

It was agreed to hold the next session of the committee Friday afternoon instead of next Monday. A subpoena was issued commanding Commissioner Waldo to appear on Friday afternoon at 2 o'clock. It is expected that Commissioner Waldo's examination will consume two or three days. Upon his testimony will depend whether or not the Mayor is to be called back to subject himself to further grilling.

As for Mayor Gaynor, he appears to be unconcerned about the approaching John Doe proceedings or about the Aldermanic inquiry. He reached the City Hall at his usual time to-day, spent a few minutes at his desk and then hurried away to the Grand Central Station to take a train for Garrison, N. Y.

The Mayor is one of the guests to-day at the wedding of Miss Aileen Osborne, daughter of Mr. and Mrs. William Church Osborne to Victor Webb, son of Dr. and Mrs. W. Seward Webb. One of Mayor Gaynor's daughters married a brother of the bridegroom in to-day's ceremony—W. Seward Webb Jr.

Alderman Curran was in consultation to-day with his attorney, assisting in drawing up the papers in the libel suit he declares he will file against Mayor Gaynor. The Chairman of the Aldermanic Committee will, it is understood, sue for \$50,000, charging that the Mayor libeled him in his letter, afterward made public at the City Hall, in which he charged that his letter had been graft in issuing news stand permits in Alderman Curran's district and that

the committee for use in examining Mr. Waldo and subsequent witnesses.

Chairman Curran expressed himself as completely satisfied with Mayor Gaynor's testimony before the Aldermanic Committee yesterday.

There will be no further public hearings by the committee until Friday afternoon at 2 o'clock, when Police Commissioner Waldo will take the witness stand. Mr. Waldo is the only other witness under subpoena by the committee. At Mayor Gaynor's orders Mr. Waldo had given his letter filed to the attorneys for the Curran Committee and all the correspondence between them and the Commissioner relative to public affairs is in the hands of the committee for use in examining Mr. Waldo and subsequent witnesses.

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TEN ARE INJURED IN WILD DASH OF RUNAWAY HORSE

Racing Madly on Sidewalk, Animal Runs Down Children and Their Grandmother.

FIRST AVENUE IN PANIC.

Heroic Policemen Risk Their Lives in Perilous Effort to Save Pedestrians.

With a big policeman clinging to its bridle, a black horse, attached to a delivery wagon, ran along the sidewalk on the west side of First avenue, from Seventy-second street to Seventy-fourth street, to-day, racing down pedestrians and breaking twelve sidewalk showcases and half a dozen plate glass windows. Ten persons were injured by the runaway and property was damaged to the amount of \$1,300.

The horse seriously injured Mrs. Emma Hubicka, an aged woman of 73 East Seventy-second street, and her three grandchildren, Anna, Mildred and John Rockenauer, aged six years, three years and eighteen months respectively. All four are in the Reception Hospital, where playing surgeons amputated three crushed fingers from the chubby right hand of the little boy.

Policemen Frank C. Meyers of Harbor Square B and John J. Mara of the East Eighty-eighth street station also were hurt, but not seriously enough to require hospital treatment. Four other persons were cut by glass flying from the showcases and windows shattered by the runaway.

The horse, a young and powerful animal, belongs to C. Salparr, a baker, at No. 356 East Seventy-second street, and was in charge of Joseph Caspali of No. 315 East Seventy-second street. Caspali was in the bakery eating breakfast and the horse was standing outside at the curb, munching oats from a nosebag, when a piece of paper blew across the street.

POLICEMEN RISK LIVES TO STOP RUNAWAY.

The horse took fright and bolted eastward, narrowly missing a south-bound First avenue car, on which Meyers and Mara were riding. The policemen jumped off and ran to the horse, which had come to a stop on the sidewalk among a vegetable stand at the northeast corner of First avenue and Seventy-second street.

Meyers grabbed the rope holding the nosing to the horse's head. He anticipated little difficulty in subduing the animal, but the rope broke and the nosing came off in the policeman's hand. The horse swung around, knocking Meyers down, and headed across First avenue westward, going clear up to the opposite sidewalk. The wagon remained upright.

Hitting northward, the horse started along the sidewalk at a gallop, the wagon swinging from side to side behind it. Mara, who had raised one grab at the harness, pursued the runaway and, approaching the Seventy-third street corner, made a wild leap and caught hold on the right side of the bridle close to the bit.

The head of the horse was high in the air and Mara, clinging along with his toes touching the high places, but he hung on. It was just before Mara caught hold that the horse ran down the old woman and three little children.

Mrs. Hubicka was in her go-cart out for a walk. John was in his go-cart and Anna and Mildred were walking beside their grandmother. As the runaway approached, the old woman and her young workmen at cross purposes, Mrs. Hubicka edging toward a doorway, but the children holding her fast in her tracks. The horse ran full tilt into the little group and bowled all over, upsetting the baby carriage.

WAGON RUNS OVER AGED WOMAN AND CHILD.

The wheels of the wagon passed over Mrs. Hubicka and the right-hand of little John Rockenauer. Mildred and Anna fell clear of the wheels and the horse's nosing, in addition to severe bruises and contusions, and the two girls were badly cut and battered.

At Seventy-fourth street the wagon, on a side swing, collided with a big showcase in the fruit of the vegetable store of William Wolfson. The horse was momentarily halted—just long enough for Mara to get his foot on the ground, improve his grip on the bridle and twist the head of the animal around until it fell on its side. The wagon toppled over and Mara was under the outfit.

Willing volunteers sat on the horse's head while the policeman extricated himself. His back was wrenched and his right knee was cut. Both Mara and Meyers were temporarily incapacitated and it devolved upon Policeman Burgess of the East Sixty-seventh street station to summon an ambulance and care for Mrs. Hubicka and her grandchildren.

Curran must have had knowledge of this condition.

"I shall push this suit to the end," said Curran to-day, "nor will I be satisfied with an apology, such as Mayor Gaynor sent to Gen. Hingham. His Honor made libellous statements regarding me and I shall secure my redress in the proper way."

Chairman Curran expressed himself as completely satisfied with Mayor Gaynor's testimony before the Aldermanic Committee yesterday.

There will be no further public hearings by the committee until Friday afternoon at 2 o'clock, when Police Commissioner Waldo will take the witness stand. Mr. Waldo is the only other witness under subpoena by the committee. At Mayor Gaynor's orders Mr. Waldo had given his letter filed to the attorneys for the Curran Committee and all the correspondence between them and the Commissioner relative to public affairs is in the hands of the committee for use in examining Mr. Waldo and subsequent witnesses.

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HEROIC POLICEMAN WHO RISKED HIS LIFE TO STOP A RUNAWAY.

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WITNESS SWEARS IN COURT THAT MRS. ROSA SZABO WAS STRANGLER

(Continued from First Page.)

port under oath in the Orange County Court.

It is planned to arrest Lawyer Gibson in his office and take him to Middletown by way of the New York Central Railroad, Fishkill Landing ferry and the New York, Ontario & Western Railroad. This will obviate the necessity of a trip through the State of New Jersey. Mr. Rogers is not taking any chances of tripping over the faintest sort of legal technicality.

TOLD PROSECUTOR DEATH WAS DUE TO STRANGLING.

The Orange County Prosecutor got Dr. Schultze on the phone early to-day to learn the result of his examination of the organs taken from the body of Mrs. Szabo at the autopsy yesterday. Dr. Schultze assured him that this examination had been thorough and had borne out the theory of the physicians who performed the autopsy—that the Austrian woman had been strangled and not drowned.

After his talk with Dr. Schultze the Middletown prosecutor paid over the long distance telephone to The Evening World that all that prevented the immediate issuance of a warrant for the arrest of Lawyer Gibson was the presence of Dr. Schultze before Judge Royce.

"The procedure is such in this county," said Mr. Rogers, "that Judge Royce will not issue a warrant on my sworn statement that Dr. Schultze appears before him and answers questions. It is also necessary for Dr. Schultze to sign an affidavit in this county. We have all the legal evidence necessary, but the forms of the law must be obeyed. It would not be wise to keep looking holes open at this time. The matter of the warrant will be attended to immediately upon the arrival of Dr. Schultze."

GIBSON AT HIS OFFICE GUARDED BY DETECTIVES.

Burton W. Gibson came to his office in the Liberty Tower from his home in Rutherford, N. J., to-day, accompanied by a guard of Pinkerton detectives. He arrived at his usual hour and announced that he would not attend to the arrival of a warrant from Orange County if the authorities saw fit to issue any such writ.

When the attorney was informed that the murder theory developed from yesterday's autopsy was that the handsome Austrian woman had been strangled in the water while struggling to rise from the surface of Greenwood Lake after her fall from the rowboat he shrugged his shoulders and said that he would not discuss theories at this time.

The ordeal of the last few days had laid its stamp on Gibson and he was manifestly nervous and agitated. When he spoke, however, he got a grip on himself and became calm as ice. Last night had been a harrowing one for him at his Rutherford cottage. With one detective sleeping in the house and several others posted at the front and rear of the house, he had been unable to get a wink of sleep for any member of the Gibson household. Early in the evening Mrs. Gibson collapsed from the strain and suffered a serious attack of hysteria. When her husband left her this morning she was under the care of a physician.

RETURNS TO THE CITY ACCOMPANIED BY DETECTIVE.

The lawyer telephoned for a carriage to take him to the Rutherford depot, and Alphonse Rinck of the Pinkerton Detective Agency got in the vehicle with Gibson at the latter's invitation. Save for a group of reporters who were crowded in the vicinity of the cottage, and the lawyer boarded the 3:04 train without attracting much attention. He and Rinck sat together in the smoker and chatted amiably. The other detectives were in one of the rear cars.

Arriving at the Liberty Tower, at Nassau and Liberty streets, Gibson and Rinck went to their offices, and the detective remained there throughout the wait for the arrival of a representative of District-Attorney Rogers of Orange County. Gibson said he preferred to have Rinck inside with him than hanging around the door. To reporters who besieged him in his office he made a few curt remarks, saying that there was no use reiterating former statements, that he had nothing to fear, and that he was ready to take his chances before any bar of justice.

Asked by one of the reporters to explain how it was that some of his friends had spoken of him as an expert swimmer, he snapped the reply: "Absurd!"

Documentary proof of the death on Feb. 5, 1910, of Mrs. Petronella Menschik, named in the will of Mrs. Szabo, which lawyer Gibson sought to probate as sole heiress, was in the hands of a surviving relative of the Austrian woman, was received at the Austro-Hungarian Consulate to-day by Deputy-Consul Dr. Fritz Fischerauer. It was a certified copy of the death certificate on file in the archives of the Austrian Government, and read:

"Death Certificate, Vol. 12, Folio 27.

"It is stated officially herein that in Vienna, at No. 14 Goldschlag Street, Feb. 5, 1910, Petronella Menschik (Menschik) died of pneumonia, sixty-seven years of age, and was buried Feb. 7, 1910. She was a Roman Catholic, widow of an innkeeper, born in Prizkar, District of Olmitz, Moravia."

"Signed by Parish Priest, 'REV. RUDOLPH BOHM, Parish of Rudolphheim, Vienna.'"

CHILDREN WHO SURVIVED THE MOTHER OF MRS. SZABO.

Accompanying the certificate was a list of the children who survived Mrs. Menschik. This list read: Alois, baker, Borna; Ladislau, doctor, Vienna; John Hans, postal clerk, Vienna; Gottlieb, any member of the Menschik family, deceased, married Szabo, America; Francisca, married Schoenberitz of Propin; Amalie, married Lochmann, Olmitz, Moravia; Marrian, widow, Olmitz; Franz, postal clerk, Vienna (on way to America).

With these official papers there were also three letters written by George Tichmann for Mrs. Szabo to her three people and a postal card written by the Austrian woman herself to her brother Franz and mailed by her eight days before she met her death in the waters of Greenwood Lake. Mrs. George Tichmann first wrote out what Mrs. Szabo wanted to say and then Mrs. Szabo scrawled an imitation of what her friend had written. She was unable to compose or write a sentence in either German or English. The postal card was written in German. Translated it ran:

"New York, July 8.

"Dear Brother: Please let me know right away if you got the photographs I sent you. Yours truly, ROSA."

The card was addressed to Franz Menschik in Vienna. The photographs referred to were the ones Mrs. Szabo, according to the Tichmanns, had taken to send to her various relatives. She turned them over, she told Mrs. Tichmann, to Lawyer Gibson to forward. They were never received by any member of the Menschik family.

The three letters that came in the official mail to the Austro-Hungarian Consulate are all corroborative of the allegations made by Dr. Fischerauer that Mrs. Szabo not only knew of the death of her mother and the existence of five brothers and three sisters, but that she had been in contact with them before Lawyer Gibson drew the will for her naming her mother as sole beneficiary and excluding the existence of any other blood relatives.

LETTERS SHOW INTENTION TO RETURN HOME.

These letters also clinch the fact that Mrs. Szabo had made up her mind to return to her Austrian home with her savings of more than \$10,000 and had made all the preliminary arrangements to do so before she was taken out of her life by her lawyer to meet a tragic death.

Vice-Consul Fischerauer this afternoon gave out translations of the three letters. Each letter has a short sentence of greetings to the family in the handwriting of the dead woman which the authorities have compared with signatures on the Hotel Fernhill ledger and found to be identical. One letter clearly proves the dead woman's knowledge of her mother's death. The letters follow:

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She is an acquaintance of hers for five years. According to the information furnished by her, you will learn that her former husband, Mr. Szabo, died in April, 1910.

Your sister wants to know if she can live on \$10,000 in Vienna. She intends to sell her things and go to Vienna. Your sister requests that you let her brothers and sisters know her present address. With friendly greetings to all.

GEORGE TEICHMANN, "With heartiest greetings to all" (in Mrs. Szabo's handwriting), "YOUR ROSA."

SENT A CHEERFUL LETTER ON MAY 27.

The next letter is dated